

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 64

April 17, 1996, 11:46 a.m.
Page S-3435 Temp. Record

TERRORISM PREVENTION CONFERENCE/Firearm Offenses Statute of Limitations

SUBJECT: Conference report to accompany the Antiterrorism and Effective Death Penalty Act of 1996 . . . S. 735.
Hatch/Dole motion to table the Biden motion to recommit with instructions.

ACTION: MOTION TO TABLE MOTION TO RECOMMIT AGREED TO, 53-46

SYNOPSIS: The conference report to accompany S. 735, the Terrorism Prevention Act, will enact law enforcement provisions to prevent terrorism and to apprehend and punish terrorists, and will reform Federal and State capital and noncapital habeas corpus procedures.

The Biden motion to recommit with instructions would direct Senate conferees to insist on setting a 5-year statute of limitations for those offenses in the National Firearms Act that currently are subject to a 3-year statute of limitations. Those offenses are the possession or transfer by a licensed firearm dealer: of illegal firearms or certain other illegal devices; of firearms using fraudulent applications or records; or of firearms without the proper firearm identification serial numbers.

Debate was limited by unanimous consent. Following debate, Senator Hatch, for himself and Senator Dole, moved to table the Biden motion. Generally, those favoring the motion to table opposed the motion to recommit; those opposing the motion to table favored the motion to recommit.

Those favoring the motion to table the motion to recommit contended:

As with the motions to recommit that have already been offered, and as with the motions to recommit that we have yet to endure, the substance of this amendment (to the extent such substance exists) is largely irrelevant. Every Senator knows that it was very difficult to get the House to act on this measure and then to complete the conference. Members of both parties in the House will consider any motion to recommit by the Senate a deal-breaker, and this bill will be dead.

On the substance of the motion, there are good reasons for opposing it as well. Most of the charges that have been brought under

(See other side)

YEAS (53)			NAYS (46)			NOT VOTING (1)	
Republicans (52 or 100%)		Democrats (1 or 2%)	Republicans (0 or 0%)	Democrats (46 or 98%)		Republicans (1)	Democrats (0)
Abraham	Helms	Baucus		Akaka	Johnston	Mack- ²	
Ashcroft	Hutchison			Biden	Kennedy		
Bennett	Inhofe			Bingaman	Kerrey		
Bond	Jeffords			Boxer	Kerry		
Brown	Kassebaum			Bradley	Kohl		
Burns	Kempthorne			Breaux	Lautenberg		
Campbell	Kyl			Bryan	Leahy		
Chafee	Lott			Bumpers	Levin		
Coats	Lugar			Byrd	Lieberman		
Cochran	McCain			Conrad	Mikulski		
Cohen	McConnell			Daschle	Moseley-Braun		
Coverdell	Murkowski			Dodd	Moynihan		
Craig	Nickles			Dorgan	Murray		
D'Amato	Pressler			Exon	Nunn		
DeWine	Roth			Feingold	Pell		
Dole	Santorum			Feinstein	Pryor		
Domenici	Shelby			Ford	Reid		
Faircloth	Simpson			Glenn	Robb		
Frist	Smith			Graham	Rockefeller		
Gorton	Snowe			Harkin	Sarbanes		
Gramm	Specter			Heflin	Simon		
Grams	Stevens			Hollings	Wellstone		
Grassley	Thomas			Inouye	Wyden		
Gregg	Thompson						
Hatch	Thurmond						
Hatfield	Warner						
						EXPLANATION OF ABSENCE:	
						1—Official Buisiness	
						2—Necessarily Absent	
						3—Illness	
						4—Other	
						SYMBOLS:	
						AY—Announced Yea	
						AN—Announced Nay	
						PY—Paired Yea	
						PN—Paired Nay	

the National Firearms Act are niggling little paperwork offenses. With a 3-year statute of limitations, Federal agency bureaucrats often take right up to the limit to make a charge. A gun dealer then has to go through a great deal of time and expense sorting through technical objections to reams of paperwork. In some cases, the Act has been abused by Federal officials; in other cases it has worked well in uncovering serious abuses. Either way, there is no evidence that there has been any problem with the 3-year statute of limitations being too short. Further, our colleagues contention that extending this statute of limitations would be a great help in fighting terrorism is nonsense. If a firearm dealer were caught making bombs for terrorist activities it would be extremely unlikely that this statute would be the statute that would be used to prosecute that dealer. For that type of activity we would hope that law enforcement officials would have enough sense to bring charges under applicable Criminal Code statutes that carry far greater penalties (and have longer statutes of limitation).

Personally, we think this is a very minor issue, and we think our colleagues understand that it is as well. As we have explained on previous votes, we think that many Senators are looking for any excuse to recommit, and thus kill, this bill because they oppose its habeas corpus reform provisions. Eventually we suspect we may even get to that real issue. For now, we urge our colleagues to join us in voting to table the Biden motion.

Those opposing the motion to table the motion to recommit contended:

The crimes covered by the National Firearms Act are extremely serious. For example, making bombs, sawing off shotguns, and making silencers are covered by it. The offense occurs when the item is made. Right now, the statute of limitations lasts only 3 years. Thus, if someone makes a bomb and then uses it in a terrorist attack 2.5 years later, the police have only 6 months to catch him under this Act. To put this issue in perspective, the Federal Government has 5-year statutes of limitation for the following offenses: simple assault; stealing a car; impersonating a Federal employee; buying contraband cigarettes; and impersonating Smokey the Bear without permission. Which is worse: pretending to be Smokey, or making poison gas? That is the simple question Senators must ask themselves. If they believe the former, they should vote to table this motion; if they believe the latter, they should join us in voting against the motion to table.